

Notice of Allowability

Application No.

10/600,939

Examiner

Korie H. Chan

Applicant(s)

WHITTEMORE ET AL

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/27/2005.
2. ☒ The allowed claim(s) is/are 1-3, 5-41, 43-45, 47-50, 55, 58-62 and 65-90.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date hereto.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Claims 1, 25, and 65 are generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 12, 13, 18, 21, 29, 40, 44, and 66 are directed to the species of figures 8-11 are no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anthony P. Onello, Jr. on February 16, 2006.

The application has been amended as follows:

Art Unit: 3632

Claim 1, line 5, after "region of", "a" has been replaced with - - the - -.

Claim 1, line 11, after "between", "a" has been replaced with - - the - - ; then
before "abutting", "an" has been replaced with - - the - -.

Claim 25, line 6, after "region of", "a" has been replaced with - - the - -.

Claim 25, line 12, after "between", "a" has been replaced with - - the - -

Claim 25, line 13, before "abutting", "an" has been replaced with - - the - -.

Claim 47, line 5, after "region of", "a" has been replaced with - - the - -.

Claim 47, line 12, after "between", "a" has been replaced with - - the - - ; then
before "abutting", "an" has been replaced with - - the - -.

Claim 48, line 5, after "region of", "a" has been replaced with - - the - -.

Claim 48, line 12, after "between", "a" has been replaced with - - the - - ; then
before "abutting", "an" has been replaced with - - the - -.

Claim 49, line 5, after "region of", "a" has been replaced with - - the - -.

Claim 49, line 12, after "between", "a" has been replaced with - - the - - ; then
before "abutting", "an" has been replaced with - - the - -.

Claim 50, line 5, after "region of", "a" has been replaced with - - the - -.

Claim 50, line 6, before "abutting", "an" has been replaced with - - the - -.

Claim 50, line 12, after "between", "a" has been replaced with - - the - - ; then
before "abutting", "an" has been replaced with - - the - -.

Claim 55, line 5, after "region of", "a" has been replaced with - - the - -.

Claim 55, line 7, after the second occurrence of "wall interface", - - comprises
non-skid material - -.

Art Unit: 3632

Claim 55, line 11, after "between", "a" has been replaced with - - the - -

Claim 55, line 12, before "abutting", "an" has been replaced with - - the - -.

Claim 56 has been cancelled.

Claim 58, line 6, after "region of", "a" has been replaced with - - the - -.

Claim 58, line 13, after "between", "a" has been replaced with - - the - - ; then
before "abutting", "an" has been replaced with - - the - -.

Claim 59, line 6, after "region of", "a" has been replaced with - - the - -.

Claim 59, line 13, after "between", "a" has been replaced with - - the - - ; then
before "abutting", "an" has been replaced with - - the - -.

Claim 60, line 6, after "region of", "a" has been replaced with - - the - -.

Claim 60, line 13, after "between", "a" has been replaced with - - the - - ; then
before "abutting", "an" has been replaced with - - the - -.

Claim 61, line 6, after "region of", "a" has been replaced with - - the - -.

Claim 61, line 13, after "between", "a" has been replaced with - - the - - ; then
before "abutting", "an" has been replaced with - - the - -.

Claim 62, line 7, after "region of", "a" has been replaced with - - the - -.

Claim 62, line 13, after "between", "a" has been replaced with - - the - - ; then
before "abutting", "an" has been replaced with - - the - -.

Claim 65, line 6, after "of", "a" has been replaced with - - the - -.

Claim 65, line 13, after "between", "a" has been replaced with - - the - -

Claim 65, line 14, before "abutting", "an" has been replaced with - - the - -.

Claim 67, line 5, after "region of", "a" has been replaced with - - the - -.

Art Unit: 3632

Claim 67, line 7, after "coupling", "the partition mount to a head" has been replaced with - - a head to the partition mount - -.

Claim 67, line 12, after "between", "a" has been replaced with - - the - - ; then before "abutting", "an" has been replaced with - - the - -.

Claim 72, line 6, after "region of", "a" has been replaced with - - the - -.

Claim 72, line 8, after "coupling", "the partition mount to a head" has been replaced with - - a head to the partition mount - -.

Claim 72, line 13, after "between", "a" has been replaced with - - the - - .

Claim 72, line 14, before "abutting", "an" has been replaced with - - the - -.

Claim 78, line 5, after "region of", "a" has been replaced with - - the - -.

Claim 78, line 12, after "between", "a" has been replaced with - - the - - ; then before "abutting", "an" has been replaced with - - the - -.

Claim 88, lines 1-2, after "claim 62", "wherein the mount body comprises first and second arms coupled by a hinge, and" has been deleted.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The prior art of record alone or in combination fail to disclose a partition mount as claimed having a biasing unit that outwardly biases the pole interface and the head interface with respect to each other such that relative positions of the pole interface and the head interface can be varied and such that when mounted between the pole and the abutting surface, the biasing unit is operative through the pole interface and the head interface to

Art Unit: 3632

suspend the partition mount in position between the pole and the abutting surface as recited in all the independent claims and having particularly pole interface with non-skid material and head interface with a retaining mechanism as recited in claims 1 and 25, or or having particularly an elongated head with a pad of non-skid material or compressible material or elongated pad as recited respectively in claims 47 and 58, 48 and 59, 49 and 60, or having particularly a head interface comprising a clamp that couples the mount body to the elongated head that provides a point of contact with the abutting surface as recited in claims 50 and 61, or having particularly a wall interface coupled to the mount body wherein the wall interface comprises non-skid material on an external outer surface of the mount body as recited in claim 55, or having particularly an elongated head integral with and coupled to the mount body and extending in the transverse direction relative to the mount body over a length that is greater than the thickness of the mount body as recited in claims 62 and 78, or having particularly C-shaped first arm and L-shaped second arm and wall interface of non-skid material as recited in claim 65, or having particularly a head interface with a clamp coupled to a head having a pad as recited in claims 67 and 72, or having particularly

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Korie H. Chan
Primary Examiner
Art Unit 3632

khc
February 16, 2006